

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

BILLIE MERCER, Individually and as Heir to the ESTATE OF LARRY JACKSON, JR.; and LARRY MERCER, Individually, and as Heir to the ESTATE OF LARRY JACKSON, JR.,

Plaintiffs,

V.

**CHARLES KLEINERT and
THE CITY OF AUSTIN,**

Defendants.

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Civil Action No. 1:13-cv-00830

MOTION FOR INJUNCTIVE RELIEF

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT:

Plaintiffs BILLIE MERCER and LARRY MERCER hereby file this Motion for Injunctive Relief against the City of Austin and state the following:

1. On or about August 6, 2014, the City of Austin apparently settled with the children of Larry Jackson Jr. for \$1.25 Million. The children of Larry Jackson Jr. – represented by attorney Bobby Taylor – had not filed a lawsuit.
2. There is an ongoing probate matter related to the death of Larry Jackson Jr. entitled “Estate of Larry Jackson Jr., No. C-1-PB-14-001027.” Even though there is an ongoing probate proceeding, Mr. Taylor and the City of Austin have circumvented the probate process and are attempting to get this minor settlement proved up in state District Court.

3. The Plaintiffs are obviously not opposed to the settlement between the City of Austin and their grandchildren. The problem here is the Plaintiffs do not exactly know ***what claims*** the City of Austin and their grandchildren are trying to settle. The Plaintiffs are very concerned the City of Austin is attempting to settle claims that the Plaintiffs have brought in this Federal Court (specifically, the estate claims). That of course would prejudice the Plaintiffs ability to seek justice in this Court.

4. The undersigned Counsel has repeatedly tried to get the City of Austin's lawyer Dan Richards to explain to him what is going on here. Per usual, Mr. Richards is continuing his pattern of being non-responsive to the Plaintiff's counsel. The undersigned counsel brought this problem up to the Court in the scheduling conference and again lodges the same complaint. Mr. Richards won't return a phone call or answer an email about what is going on here. The City of Austin Attorney Karen Kennard also will not respond to inquiries about this.

5. As a result, Plaintiffs seek injunctive relief against the City of Austin enjoining them from settling this minor case until they produce the purported settlement agreement detailing exactly what claims the City is settling. If all parties involved in this settlement would simply be above board about what is going on, this motion would be unnecessary - however, since everyone appears to be playing cat and mouse games, the Plaintiffs ask this Court to issue an injunction in order to ensure the Plaintiff's claims are not settled behind their back.

Submitted on October 10, 2014.



Adam Loewy, Esq.
Texas Bar No. 24041353
LOEWY LAW FIRM P.C.
111 Congress Avenue, Suite 400
Austin, Texas 78701
P: (512) 779-3547
F: (512) 900-2991
E: adam@loewyfirm.com

**ATTORNEY FOR BILLIE MERCER
AND LARRY MERCER**

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing instrument has been served on all counsel of record this **10th day of October, 2014**, pursuant to the Federal Rules of Civil Procedure.

Via Email to bobby@taylor-law.com

Bobby Taylor
Law Office of Bobby R. Taylor
1709 E. Martin Luther King Jr. Blvd.
Austin, Texas 78702

Via Facsimile to (512) 551-0679

Oscar "Trey" Jackson, III
3445 Executive Center Dr., Suite 101
Austin, Texas 78731

Via Email to drichards@rrsfirm.com

Dan Richards
Richards Rodriguez & Skeith, LLP
816 Congress Ave., Suite 1200
Austin, Texas 78701

Via Email to rirlawyer@gmail.com

Robert Icenhauer-Ramirez
Law Offices of Robert Icenhauer-Ramirez
1103 Nueces Street
Austin, Texas 78701



Adam Loewy, Esq.
Texas Bar No. 24041353
LOEWY LAW FIRM P.C.
111 Congress Avenue, Suite 400
Austin, Texas 78701
P: (512) 779-3547
F: (512) 900-2991
E: adam@loewyfirm.com

ATTORNEY FOR PLAINTIFFS